REMARKS

The Final Office Action of October 14, 2010, ("the Office Action") has been carefully reviewed and the remarks that follow are responsive thereto. Claims 1, 6, 30, 42, 48, and 56 have been amended. Claim 29 has been canceled. Claims 9, 31, 38-41, and 57 were previously canceled. Claim 62 has been added. No new matter has been introduced. Claims 1-8, 10-28, 30, 32-37, 42-56, and 58-62 are thus pending. Reconsideration and allowance of the instant application are respectfully requested.

Claim Rejections Under 35 U.S.C. § 112

Claims 1, 6, 30, 42, 48, and 56 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which is regarded as the invention.

Without acquiescing to the rejection, and in order to expedite prosecution, Applicants have amended claims 1, 6, 30, 42, 48, and 56 to be in more preferred form, thus rendering this rejection moot. Therefore, Applicants respectfully request that these rejections be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-8, 10-12, 17-18, 28, 30, 32, 35-37, 42-51, 54-56, and 58-61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fischer U.S. Patent No. 5,371,734 ("Fischer") in view of Huckins U.S. Patent Application Publication No. 2004/0120279 ("Huckins") and further in view of Linander U.S. Patent No. 7,110,419 ("Linander"). Claims 13-16, 19-27, 29, 33-34, and 52-53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fischer in view of allegedly well-known prior art (MPEP § 2144.03). For the reasons set forth below, Applicants respectfully traverse these rejections.

Amended independent claim 1 recites a method comprising "receiving a digital broadband broadcast transmission in bursts, said transmission providing information and utilizing at least a part of a channel bandwidth, wherein at least one of said bursts comprises a slice of a service." Applicants respectfully submit that Fischer, Huckins, and Linander, whether applied alone or in combination, fail to teach or suggest such features.

None of Fischer, Huckins, and Linander disclose "wherein at least one of said bursts comprises a slice of a service." At best, Fischer states:

> In addition, the MAC protocol of the present invention avoids many of the disadvantages associated with the inefficiencies of LAN-type burst communications in TDMA, the high overhead requirements for communications in PRMA, and the problems of avoiding collisions and saturation that affect CSMA. Further still, the present invention provides a MAC protocol which may be very effectively implemented with communicator stations used with portable computers, because it obtains significant reductions in battery power drain by permitting the receivers as well as the transmitters of the communicator stations to be powered off during a majority of the time, but selectively and predictably powered on to send or receive relevant communications.

Fischer at col. 5, lines 19-33. In addition, Fischer states:

> The hub establishes repeating communication cycles, each of which has intervals during which the hub and the remotes transmit and receive frames. The hub transmits control information to the remotes to establish the communication cycle and to establish a plurality of predeterminable intervals during each communication cycle. These intervals allow the hub to transmit frames to the remotes, allow the remotes to transmit frames to the hub, and allow each remote to anticipate receiving frames from the hub. Due to the defined intervals of the communication cycle and the information conveyed by the hub, the remotes are able to power off their transmitters during times other than those intervals when the remote is allowed to transmit frames to the hub. In addition, and very significantly, the remotes are able to power off their receivers during times other than those intervals when the remote is expected to receive frames from the hub. Thus, the control information and the communication cycle conserve considerable power because the receivers and transmitters of the remotes may remain powered off for a considerable portion of time without degrading communications.

Fischer at col. 5, lines 44-66. Thus, even assuming, without conceding, that Fischer discloses a time slice, Fischer lacks any teaching or suggestion of "wherein at least one of said bursts comprises a slice of a service," as recited in claim 1. More specifically, Fischer's general description of communications using its medium access control (MAC) protocol do not amount to bursts comprising a slice of a service. Huckins and Linander are similarly deficient. Thus, even assuming, without conceding, that these references are properly combinable, no combination thereof would have resulted in the features recited in claim 1 because no combination thereof would have included "wherein at least one of said bursts comprises a slice of a service."

For at least these reasons, amended independent claim 1 is distinguishable over the cited prior art. In addition, amended independent claims 30, 42, 48, and 56 recite similar features as claim 1, and thus, claims 30, 42, 48, and 56 are distinguishable for substantially the same reasons as claim 1.

Claims 2-8, 10-28, 32-37, 43-47, 49-55, and 58-61 ultimately depend from one of amended independent claims 1, 30, 42, 48, and 56, and therefore are distinguishable over the cited prior art by virtue of their dependence and further in view of the various features recited therein.

For example, claim 3 recites the feature of "wherein at least one of said bursts comprises a time sliced elementary stream, and said method further comprises identifying at least one time sliced elementary stream carried over a broadband network." The Office Action asserts, at page 11, that Fischer discloses these features at col. 5, lines 9-25 and 47-66. While these portions of Fischer generally describe a medium access control (MAC) protocol whereby "[t]he hub transmits control information to the remotes to establish the communication cycle and to establish a plurality of predeterminable intervals during each communication cycle," *see* Fischer at col. 5, lines 34-66, these portions do not describe the feature of "wherein at least one of said bursts comprises a time sliced elementary stream, and said method further comprises identifying at least one time sliced elementary stream carried over a broadband network," as recited in claim 3. For at least these additional reasons, claim 3 is distinguishable over the cited prior art.

New Claims

Claim 62 has been added, and no new matter has been introduced. Support for claim 62 may be found in at least paragraphs [0027] and [0033] of the original specification.

In addition, Applicants note that claim 62 ultimately depends from amended independent claim 1. Therefore, Applicants respectfully submit that claim 62 is distinguishable over the cited prior art by virtue of its dependence and further in view of the various features recited therein.

CONCLUSION

All issues having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or if there are any questions, the Examiner is invited to contact the undersigned at (202) 824-3000.

Respectfully submitted,

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